

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Sri Varada Venkata Krishna Rao, S/o.Subba Rao, Projectionist DM & HO Office, Ongole, Prakasam District against the Proceedings Rc.No.C4/1373/2003, dt.10.07.2007 of the Collector and District Magistrate, Prakasam district – Appeal allowed – Orders – Issued.

BACKWARD CLASSES WELFRARE (C1) DEPARTMENT

G.O.Ms.No. 21

Dated:21.8.2010

Read the following:

- Ref:-
- 1) Proceedings of the Collector and District Magistrate, Prakasham, Rc.No.C4/1373/2003, dt.10.07.2007.
 - 2) From Sri Varada Venkata Krishna Rao, Appeal Petition dt.04.08.2008.
 - 3) Memo.No.3744/C1/2008, Dt.27.08.2008.
 - 4) From the Collector&District Magistrate, Prakasam Rc.C4/993/2008, Dt.07.03.2008.
 - 5) Govt. Memo.No.3744/C1/2008, dt.18.02.2010.
 - 6) Govt. Memo.No.3744/C1/2008, dt.18.02.2010.

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ORDER:

Sri.T.Venkata Swamy, AP Dalith Maha Sabha, Ongole, has filed a petition before the District Medical & Health Officer, Ongole, duly marking a copy to the District Collector, Ongole, stating that Sri.Varada Venkata Krishna Rao, projectionist is working in Medical Dept., on BC Caste though he belongs to forward caste and requested to enquire into his caste status and to take action. The Collector & District Magistrate, Ongole has addressed the District Medical & Health Officer, Ongole and Mandal Revenue Officer, Ongole to enquire into the matter and furnish a detailed report.

2. The DM & HO, Ongole, submitted his report along with Photostat copies of caste certificates issued by MRO, Ongole, TCs of 10th Class and Intermediate.

3. The DLSC has convened a meeting on 15.5.2006, and recorded the statement of Sri.V.V.Krishna Rao. He stated that his father has two daughters and two sons, and he is 3rd birth. The name of his younger brother is Hanmanth Rao. His elder sister is Rama Devi, and she is married with Adusumalli Yanadi Rao, S/o Venkat Rao (Maternity Uncle), and his Younger sister Jhansi Rani married with Chintalapudi Srinivasa Rao. He has further stated that he married with Ganga, D/o Adusumalli Venkataramaih, R/o Kadavakuduru village, who belongs to Balija caste. His brother Hanumantha Rao, married with 'Nagakumari' who is the first daughter of Kisthamsetty Krishna Murthy, R/o Tangutruri village who belongs to Balija caste.

4. He also stated that he had studied 6th, 7th & 8th classes at ZP High School, Kavali and 9th and 10th classes at Municipal High School, Ongole, Intermediate at ABM Degree College, Ongole, and discontinued Intermediate due to financial problems. His caste was recorded as "Ediga Balija" in his transfer certificate. He has three children, and the caste of his elder son was recorded as 'Ediga'.

5. He further stated that his father was doing carpenter work during his life time. He came to know that his grand father Varada Yellamanda migrated 50 years ago to Ongole from Machilipatnam and worked as Carpenter. He does not know the 'Ediga' caste profession. His second brother-in-law is Chintalapudi Srinivasa Rao, Resident at village of Kavali Mandal. He did not know about his second Brother-in-Laws caste. He has no knowledge about other surnames or clans of 'Ediga' caste. He did not know about his caste deity. They have no relation with Varada surname persons in Ongole town.

6. Again the DLSC met on 17.6.2006, and recorded the statements of Sri.Adusumilli Venkatramaiah S/o Durgaiyah, Sri. A.Venkataramaiah, stated that he is a resident of Kadavakuduru village, doing agriculture labor, and he has three sons, and one daughter. His daughter married with Varada Venkata Krishna Rao, S/o Subba Rao. Nearly 50 years ago, Varada Yellamanda (grand father of V.V.Krishna Rao) migrated from Machilipatnam to Kadavakuduru village, and they are doing toddy tapping. Later his uncles daughter Subbaravamma married with Varada Subbarao, though they belongs to lower community, the marriage was performed at his father's pressure. Sri.Varada Hanmantha Rao, S/o Subba Rao

(brother of V.V.Krishna Rao) stated that "he had studied up to 10th class, and his father belongs to "Ediga" caste and mother belongs to 'Telaga' caste. He was admitted in School through his mother and recorded as 'Telaga' caste in his school records. His father worked in Railway Dept., died in service, and he was appointed in Railways on compassionate grounds. He married with 'Telaga' caste woman, and his sisters also married with 'Telaga' caste persons.

7. The DLSC has issued notices to Sri.T.Venkata Swamy, (Complainant) on 19.6.2006, 19.8.2006 and 2.9.2006. He did not attend before the committee. The DSP, PCR cell, Guntur, has submitted a Photostat copy of service book of Varada Subba Rao who worked as Carpenter in Railway Dept., at Ongole. As per the service particulars, his caste was recorded as 'Baliya'.

8. The DLSC convened meetings on 15.5.2006, 17.6.2006 and 11.9.2006. The alleged individual has submitted Photostat copies of TCs of 10th class and Intermediate respectively, caste certificate issued by the MRO, Ongole dt:15.6.1994, copy of appointment order dt:21.9.1991, copy of Dept., transfer order dt:9.2.1995, (Dept., of Information and PublicRelation to Medical Dept.) in support of his caste claim. The DSP, PCR Cell, Guntur, has submitted a Photostat copies of TCs of V.V.Krishna Rao, and Varada Hanumantha Rao, (brother of alleged employee) and copy of service Book of Varada Subba Rao (Father of Alleged employee).

9. The Toddy Tappers are called as "Gowda, Dammala, Kalali, Goundla, Ediga and Settibaliya (Telagas) in Rayalaseema area. Their social customs i.e., cremation of dead bodies, divorce, remarriage and widow marriage are permitted, Child marriages are still in vogue. They are superstitious and have a firm belief in witchcraft and in the existence of the world of spirits. Most of them worship God Shiva. They are looked down low in society due to their profession of Toddy-tapping.

10. In this case, the father of alleged employee i.e., Varada Subba Rao, who was Railway employee was working as carpenter in Ongole, and recorded as 'Baliya' caste in his service book. His own brother Varada Hanmantha Rao, studied up to 10th class under 'Telaga' caste and joined in Railway Department, on Compassionate grounds as 'Telaga' Caste after the death of his father. The alleged individual, his own brother and his two sisters got married with 'Baliya' caste people. The individual has also informed that he does not know the surnames, clans, profession, customs, and worship of 'Ediga' caste. His grand father Sri.Varada Yallamanda had migrated from Machilipatnam area to Ongole or Kadavakuru area about 50 years ago is not believable. In the School records of the alleged employee the caste was recorded as 'Ediga Baliya' in caste column, and no such caste is in the approved list of Backward Classes, but he obtained caste certificate from the Mandal Revenue Officer, Ongole as 'EDIGA' only, which not existing in Prakasam District.

11. Finally the DLSC had opined that the caste of Sri.Varada Venkata Krishna Rao, S/o Subba Rao, working as Projectionist in District Medical & Health Office, Ongole cannot be treated as 'EDIGA' caste, which comes under BC-B, but he can be treated as 'Baliya' caste only. As such the caste certificate obtained by the alleged individual from the MRO, Ongole dt:15.6.1994, is against the rules and G.O.Ms.No.1793, Education Dept., dt:23.9.1970 and liable for rejection.

12. The Tahsildar, Ongole, has reported that the individual was given Regd.Notice. with a direction to attend on 5.5.2007, before the Thasildar, Ongole along with following records, 1) School Record in original 2) Native Certificate 3) Caste Certificate 4) Ration Card. But the individual failed to attend before the Thasildar, Ongole. After verifying the connected records and the caste certificate issued to Sri.V.V.Krishna Rao, S/o Subba Rao, it was held that the caste was not entered correctly. He further reported that Ediga, Gouda, Gamalla, Kalali, Goundla, Settibaliya reside in Visakhapatnam, E.G., W.G., and Krishna District only. The Ediga Community persons profession is toddy tapping. As per local enquiry, the toddy tappers in Ongole are called as Gamalla. There is no usage of Ediga caste in Ongole area. He has further stated that the individual and his relations are known as Baliya by caste. Hence the individual does not belong to Ediga caste.

13. In the reference 1st read above, the Collector & District Magistrate, Ongole, Prakasam in exercise of the powers conferred under section 5 (1) of AP (SC/ST/BC) Regulation of Issue of Community Certificates Act, 16 1993, AP Scheduled Castes, Scheduled Tribes and Backward Classes Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 read with G.O.Ms.No.58, SW (J) Dept., dt:12.5.1997, has cancelled the 'EDIGA' caste certificate of BC-B issued to Sri.Varada Venkata Krishna Rao, S/o Subba Rao, Projectionist, District Medical and Health Officer, Ongole obtained from the then Mandal Revenue Officer, Ongole on 15.6.1991.

14. Aggrieved by the orders of the Collector & District Magistrate, Prakasam., Sri.Varada Venkata Krishna Rao, S/o Subba Rao, Projectionist, District Medical and Health Officer, Ongole, has filed an Appeal petition before the Government under Rule 11 of the AP SCs,STs & BCs Issue of the community, Nativity & date of Birth Certificate Rules,1977, and requested to suspend the orders passed by the District Collector, Prakasam District, pending disposal of the appeal petition and pass such other suitable order or orders in the circumstances of the case.

15. The Appeal Petition filed by Sri.Varada Venkata Krishna Rao, S/o Subba Rao, Projectionist, District Medical and Health Officer, Ongole was taken on file of the Government, and called for the records from the Collector & District Magistrate, Ongole in the reference 3rd read above.

16. In the reference 4th read above, the Collector & District Magistrate, Prakasam has furnished the records along with Para-wise remarks on the appeal petition.

17. The applicant in his appeal petition has submitted the following grounds in support to his caste claim:-

a) The District Collector, Ongole, Prakasam District, failed to appreciate that the appellant born on 1.6.1965, and right from his education at Zilla Parishad High School, Kavali and also Municipal High School, Ongole, his caste was mentioned as Ediga Balija. When the same was mentioned, the age of the applicant was 10 years and minor. Fraudulent intention cannot be casted upon the appellant.

b) The District Collector, Ongole, Prakasam, failed to appreciate that the MRO, Issued caste certificate basing on the School Certificate, and also after conducting proper enquiry in the vicinity where the appellant resides.

c) The District Collector, Ongole, Prakasam failed to appreciate that basing on Xerox copy of caste certificate of appellant father, which is not at all a document as per the Evidence Act, the appellants caste certificate cannot be cancelled.

d) The District Collector, Ongole, Prakasam, failed to appreciate that originally the forefathers of the appellant hailed from Machilipatnam and they migrated about 50 years back to Ongole. Though the appellant originally belong to Ediga by caste, subsequently relations of the appellant married people from Balija community. For the reason that the appellant relations are Balija by caste, it cannot be said that appellant is also Balija and not Ediga by caste.

18. In the references 4th & 5th read above, the Appeal Petitioner viz. Sri.Varada Venkata Krishna Rao, S/o Subba Rao, Projectionist, District Medical and Health Officer, Ongole was requested to attend the hearing on 22-2-2010, before the Government in person or through his Counsel. The hearing was conducted on 22-2-2010, in the chambers of Hon'ble M (BCW).

19. Government after examining the appeal petition of, Sri.Varada Venkata Krishna Rao, S/o Subba Rao, Projectionist, District Medical and Health Officer, Ongole, have decided to allow the appeal petition on the following grounds.

a) From the Xerox copy of the TC of 8th class,when Sri.Varada Venkata Krishna Rao, was studying in ZPHS,Kavali,Nellore, against the column nationality and Relegion ,it is mentioned as Indian,Hindu,Ediga Balija.

b) From the above fact ,it appears that the caste of Sri.Varada Venkata Krishna Rao, was mentioned from his school days onwards as Ediga Balija much before he obtained the Ediga Balija BC Caste Certificate from the MRO,Ongole, for employment purpose exclusively.

c) The DLSC issued notices to Sri.T.Venkata Swamy, who is the Complainent on 19-6-2006,19-8-2006, and 2-09-2006, to prove his stand .But he did not attend before the committee.

20. Accordingly, Govt., hereby allow the appeal petition of Sri.Varada Venkata Krishna Rao, S/o Subba Rao, Projectionist, District Medical and Health Officer, Ongole. In exercise of the powers conferred under Section 7(2) of A.P. (SCs, STs and BCs) Regulation of issue of Community Certificates Act, 1993, and Rules, 1997, the Proceedings of the District Collector, Prakasam dated 10-7-2007, are here by quashed.

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21. The original records (containing pages from 1-317) received through the reference 4th read above are returned here with to the Collector & Dist.Magistrate,Prakasam District and the receipt of the same shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HIRALAL SAMARIA
PRINCIPAL SECRETARY TO GOVERNMENT

To:
Sri.Varada Venkata Krishna Rao, S/o Subba Rao, Projectionist, District Medical and Health Officer, Ongole
The Collector& District Magistrate,Prakasam
The DM&HO,Ongole
The Director, B.C.Welfare, Hyderabad
The P.S. to M (BCW)
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER